

August 6, 1980

CONGRESSIONAL RECORD—SENATE

S 11015

germane issue of the Israeli/Arabic conflict.

If the United Nations goes along with the PLO Copenhagen resolution, then the Senator from Kansas questions whether it will be any longer in the U.S. interest to contribute to discretionary funds. There is no obligation to furnish funds, solicited on a volunteer basis, to further the political goals of the PLO and its allies. This is an appropriate matter for the Senate to consider before the convening of the U.N. General Assembly.

Americans deplore our U.N. money going through a terrorist organization, and we do not recognize the PLO as a spokesman for or representative of all Palestinians. For this reason I am introducing this resolution.

AMENDMENTS SUBMITTED FOR PRINTING

ALASKA NATURAL INTEREST LANDS CONSERVATION ACT—H.R. 39

AMENDMENT NO. 1967

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to H.R. 39, an act to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

FUTURE EXECUTIVE ACTIONS

Mr. STEVENS. Mr. President, pursuant to the understanding that was entered into last evening, I send to the desk a revision of the remaining amendment that I have which would be an amendment to the Senate Energy Committee version of the Alaska lands legislation. This is an amendment that is identical to the same provision that is in the revised Tsongas substitute. I ask that it be printed as a modification of the amendment I intend to offer.

The PRESIDING OFFICER. The amendment will be received and printed and lie on the table.

Mr. STEVENS. Mr. President, I also ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1967

Page 645, line 25, add the following new section and renumber the other sections accordingly:

"FUTURE EXECUTIVE ACTIONS"

"SEC. 1324. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress.

Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands for the single purpose of considering the establishment of a conservation system unit, special management area, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congresses."

CRIMINAL CODE REFORM ACT OF 1979—S. 1722

AMENDMENT NO. 1968

(Ordered to be printed and to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to S. 1722, a bill to codify, revise, and reform title 18 of the United States Code, and for other purposes.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT AMENDMENTS

AMENDMENT NO. 1969

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. DOLE (for himself, Mr. LUGAR, Mr. HEFLIN, Mr. COHEN, and Mr. SCHMITT submitted an amendment intended to be proposed by them, jointly, to H.R. 6086, a bill to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country.

● Mr. DOLE. Mr. President, the Senator from Kansas rises to send to the desk a measure which will be proposed as an amendment to H.R. 6086 when that bill is brought before the Senate. This Senator is joined in this effort by his distinguished colleagues, Senators HEFLIN, LUGAR, COHEN and SCHMITT.

Mr. President, American citizens have been held captive in Iran for over 8 months. Congress has patiently, and in the view of this Senator properly, refrained from taking any steps in the hope that other efforts might free the hostages. At this time, the release of the hostages is still nowhere in sight. Yet an opportunity for responsible action will soon be presented to the Senate.

On July 23, the Judiciary Committee ordered favorably reported two companion bills, S. 2582 and H.R. 6086. These bills amend the Military Personnel and Civilian Employees' Claims Act of 1964 to raise the maximum compensation for civilian employees and military personnel who lose property in foreign countries as a result of evacuation or hostile acts from \$15,000 to \$40,000. The need for such legislation is self-evident. As a result of recent events in Iran, Pakistan, and Libya, many families have suffered considerable losses, some losing all their belongings. Consequently, this Senator supports this measure.

In addition, this legislation offers the opportunity to take some action to aid the families of the American hostages in Iran, if not the hostages themselves. This amendment proposes such a step.

The provisions of this amendment are quite straightforward. It provides for the transfer of the blocked Iranian assets to the Federal Government to set up a fund from which payments will be made to the hostages of their families. These payments will be calculated by a set formula: For each day from being taken hostage to the enactment of this legislation each hostage will be entitled to \$200; for each day from the enactment of this law to the day of release from Iran, each hostage will be entitled to \$500. Payments made while the hostages are still in captivity would be held in trust for them by family members. The remainder of the assets will be used to pay damages which may be awarded to the hostages or to others by the courts.

This is not the place to recount all the exigencies of this crisis which motivate this proposal. Yet the Senator from Kansas believes that such legislation will impress upon the Iranian leaders that they cannot continue to violate with impunity the customs and laws which govern intercourse between civilized nations. This mechanism will also give the hostages and their families some, if inadequate, compensation for the suffering they have endured. Though this proposal gives the hostages priority over the many other claims, mostly of a commercial nature, which will be made against Iran: By preserving the Iranian assets in a Treasury Department fund, this amendment insures that commercial claims will be adequately satisfied.

In short, this amendment proposes a basically fair remedy for the many hostile Iranian actions against this country and its citizens, actions which have been condemned by the international community as brazen violations of international law and custom. This amendment seeks only the compensation which is our due. Having vainly sought help in the proper international forums, we are within our rights in taking this action not only under the Constitution, but under international law. This is a measured step taken only after extreme provocation. The Senator from Kansas invites all his colleagues to join with him in this effort.

Mr. President, I ask that the full text of this amendment appears in the RECORD following these remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1969

On page 4, immediately below line 9, insert the following:

SEC. 3. (a) All right, title, and interest of the Government of Iran in all assets which were blocked by Executive Order 12170 of November 14, 1979, shall be transferred to the Government of the United States.

(b) (1) There is established in the Treasury of the United States a special fund to be designated as the Iranian Claims Fund (hereafter in this section referred to as the "Fund").

(2) The Secretary of the Treasury shall cover into the Fund assets described in sub-

section (a) and may liquidate any part of such assets as may be necessary for transfer into the Fund.

(c) (1) The Secretary of the Treasury, out of sums covered into the Fund, shall pay to—

(A) each citizen or national of the United States taken hostage in Iran on November 4, 1979, except as provided in paragraph (2), or

(B) the estate of such citizen or national if such citizen or national is deceased, an amount equal to the product obtained by multiplying \$200 by the number of days between November 4, 1979, and the date of enactment of this section that such citizen or national was held hostage as described in clause (A) and an amount equal to the product obtained by multiplying \$500 by the number of days after the date of enactment of this section that such citizen or national was held hostage as described in clause (A). Such payments shall not be subject to any federal or state income tax.

(2) (A) If such citizen or national is held hostage at the time payments are to be made under this subsection, then such payments shall be made to—

(i) the spouse of such citizen or national;

(ii) the children of such citizen or national, in equal shares, if payments cannot be made under clause (i);

(iii) each parent of such citizen or national, in equal shares, if payments cannot be made under clauses (i) or (ii); and

(iv) each sibling of such citizen or national, in equal shares, if payments cannot be made under clauses (i), (ii), or (iii).

(B) Payments made under this paragraph shall be held in trust for the citizen or national so held hostage until such citizen or national returns to the United States.

(3) After making payments under paragraph (1) and after deducting, pursuant to subsection (d), administrative expenses related to such payments, the Secretary of the Treasury shall make payments to the estates of members of the uniformed services, as defined in section 101 of title 37, United States Code, who died after November 4, 1979, while in performance of duties in response to the taking hostage of United States citizens or nationals in Iran, as determined by the President and certified to the Secretary of the Treasury.

(d) There shall be deducted from the amount of each payment made pursuant to paragraphs (1) and (3) of subsection (c) administrative expenses incurred by the United States in carrying out this section, but not to exceed an amount equal to 5 per centum of such payment.

(e) Subject to the provisions of any claims agreement to be entered into between the Government of the United States and the Government of Iran, any payment made pursuant to this section shall not be construed as having divested any claimant or the United States on his behalf of any rights against the Government of Iran for the unpaid balance of his claim.

(f) (1) The district courts of the United States shall have original and exclusive jurisdiction of—

(A) any civil action by a citizen or national of the United States for a tort arising out of the taking or holding hostage of a citizen or national of the United States taken hostage in Iran on November 4, 1979; and

(B) any civil action brought by a citizen or national of the United States against the Government of Iran, any agent of the Government of Iran, or any citizen or national of Iran arising out of a contract dispute.

(2) The Secretary of the Treasury is authorized, under such regulations as he may prescribe, to make available for the satisfaction of judgments rendered by the district courts pursuant to paragraph (1) amounts remaining in the Fund after payments have been made pursuant to subsection (c) and

administrative expenses have been deducted pursuant to subsection (d).

(g) After the making of payments under subsection (c) have been completed, and after the Secretary of the Treasury reasonably determines that payments to satisfy judgments rendered by the district courts pursuant to paragraph (1) of subsection (f) have been completed and that further such payments are unlikely, the President may order the balance of the Fund conveyed into miscellaneous receipts of the Treasury of the United States, or the President may order such balance conveyed to the Government of Iran. ●

#### ALASKA NATURAL INTEREST LANDS CONSERVATION ACT—H.R. 39

AMENDMENT NOS. 1970 AND 1971

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted two amendments intended to be proposed by him to the bill H.R. 39, supra.

#### ALASKA NATURAL INTEREST LANDS CONSERVATION ACT—H.R. 39

AMENDMENT NO. 1981 AS MODIFIED

(Ordered to be printed and to lie on the table.)

Mr. TSONGAS (for himself, Mr. ROTH, Mr. JACKSON, and Mr. HATFIELD) submitted a modified amendment intended to be proposed by them, jointly, to the bill H.R. 39, supra.

#### NOTICES OF HEARINGS

##### SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. DECONCINI. Mr. President, I wish to announce that the Subcommittee on Improvements in Judicial Machinery will hold hearings on S. 3023, a bill to amend title 11 of the United States Code dealing with preferences in bankruptcy cases on August 18, 1980, at 9:30 a.m. in room 6226 of the Dirksen Senate Office Building.

##### SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. DECONCINI. Mr. President, I wish to announce that the Subcommittee on Improvements in Judicial Machinery will hold hearings on S. 2082, a bill to amend title 17 of the United States Code dealing with exceptions to the copyright law, on August 20, 1980 at 9:30 a.m. in room 2228 of the Dirksen Senate Office Building.

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WILLIAMS. Mr. President, I wish to announce that the Committee on Labor and Human Resources has scheduled a hearing on Friday, August 22, 1980, at 10 a.m. in room 44232 Dirksen Senate Office Building, on the nomination of John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources

be authorized to meet during the session of the Senate today to consider S. 2695, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### MARRIAGE TAX PENALTY

● Mr. MAGNUSON. Mr. President, today I am announcing my support and cosponsorship of a measure designed to rectify what is currently an inequitable situation among a large number of taxpayers—married couples. Elimination of the "marriage tax penalty" is part of a package of tax measures I am cosponsoring and supporting in order to assist individuals during these tax burdened times and to spur investment and productivity of small businesses.

Mr. President, I have been here in Congress a long time, and I have heard many arguments about changing the tax laws in one way or another. However, the one situation that appears the most inequitable in terms of burdens to taxpayers is the "marriage tax penalty."

Under present law, when a husband and wife file their tax returns, they usually end up paying higher taxes than single persons or married couples in which only one of the spouses works. Therefore, in those instances where both the husband and wife earn an income there exists a penalty against marriage.

When the Internal Revenue Code was originally written, all wage earners were treated alike for tax purposes whether married or single. However, under some State community property laws, married couples were permitted to file their income tax returns by splitting their income and filing individual returns. This had the effect of reducing their tax liability significantly. In order to correct this inequity, Congress in 1948 changed the tax code to extend income splitting to all married couples.

During the 1960's the growing single population came to believe that the income splitting that had been granted to married couples was in effect providing a tax shelter to the one-income married couples.

Recognizing this problem, Congress in 1969 again attempted to rectify this apparent inequitable situation by lowering the tax rates for single individuals. This, however, did not end the controversy because it created another problem—the marriage tax penalty. Lowering tax rates for single individuals to compare more equally to the one-income married couple resulted in a situation where the two-income married couple carried an inequitable share of the tax burden. Married couples find they must pay higher income taxes being married than if they were single and earning the same incomes.

This tax penalty has become increasingly apparent and troublesome as more and more families have both spouses employed in order to keep up with the rising cost of living. In addition, the desire of